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SENATE BILL 5422

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Honeyford and Clements

Read first time 01/19/2007. Referred to Committee on Judiciary.

1            AN ACT Relating to driving privileges; amending RCW 9A.48.090,  
2 46.20.265, and 46.20.285; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 9A.48.090 and 2003 c 53 s 71 are each amended to read  
5 as follows:

6            (1) A person is guilty of malicious mischief in the third degree if  
7 he or she:

8            (a) Knowingly and maliciously causes physical damage to the  
9 property of another, under circumstances not amounting to malicious  
10 mischief in the first or second degree; or

11            (b) Writes, paints, or draws any inscription, figure, or mark of  
12 any type on any public or private building or other structure or any  
13 real or personal property owned by any other person unless the person  
14 has obtained the express permission of the owner or operator of the  
15 property, under circumstances not amounting to malicious mischief in  
16 the first or second degree.

17            (2)(a) Malicious mischief in the third degree under subsection  
18 (1)(a) of this section is a gross misdemeanor if the damage to the  
19 property is in an amount exceeding fifty dollars.

1 (b) Malicious mischief in the third degree under subsection (1)(a)  
2 of this section is a misdemeanor if the damage to the property is fifty  
3 dollars or less.

4 (c) Malicious mischief in the third degree under subsection (1)(b)  
5 of this section is a gross misdemeanor. In addition, the court shall  
6 suspend a driver's license issued to or the driving privilege of a  
7 person for one year upon conviction for a violation of subsection  
8 (1)(b) of this section.

9 (3) In addition to any other penalty provided for by law, if a  
10 person under the age of eighteen years is found by a court to have  
11 committed an offense that is a violation of subsection (1)(b) of this  
12 section, the court shall notify the department of licensing within  
13 twenty-four hours and the person's driver's license or privilege to  
14 drive shall be revoked under RCW 46.20.265.

15 **Sec. 2.** RCW 46.20.265 and 2005 c 288 s 2 are each amended to read  
16 as follows:

17 (1) In addition to any other authority to revoke driving privileges  
18 under this chapter, the department shall revoke all driving privileges  
19 of a juvenile when the department receives notice from a court pursuant  
20 to RCW 9A.48.090(3), 9.41.040(5), 13.40.265, 66.44.365, 69.41.065,  
21 69.50.420, 69.52.070, or a substantially similar municipal ordinance  
22 adopted by a local legislative authority, or from a diversion unit  
23 pursuant to RCW 13.40.265.

24 (2) The driving privileges of the juvenile revoked under subsection  
25 (1) of this section shall be revoked in the following manner:

26 (a) Upon receipt of the first notice, the department shall impose  
27 a revocation for one year, or until the juvenile reaches seventeen  
28 years of age, whichever is longer.

29 (b) Upon receipt of a second or subsequent notice, the department  
30 shall impose a revocation for two years or until the juvenile reaches  
31 eighteen years of age, whichever is longer.

32 (c) Each offense for which the department receives notice shall  
33 result in a separate period of revocation. All periods of revocation  
34 imposed under this section that could otherwise overlap shall run  
35 consecutively up to the juvenile's twenty-first birthday, and no period  
36 of revocation imposed under this section shall begin before the  
37 expiration of all other periods of revocation imposed under this

1 section or other law. Periods of revocation imposed consecutively  
2 under this section shall not extend beyond the juvenile's twenty-first  
3 birthday.

4 (3)(a) If the department receives notice from a court that the  
5 juvenile's privilege to drive should be reinstated, the department  
6 shall immediately reinstate any driving privileges that have been  
7 revoked under this section if the minimum term of revocation as  
8 specified in RCW 13.40.265(1)(c), 66.44.365(3), 69.41.065(3),  
9 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and  
10 subject to subsection (2)(c) of this section.

11 (b) The juvenile may seek reinstatement of his or her driving  
12 privileges from the department when the juvenile reaches the age of  
13 twenty-one. A notice from the court reinstating the juvenile's driving  
14 privilege shall not be required if reinstatement is pursuant to this  
15 subsection.

16 (4)(a) If the department receives notice pursuant to RCW  
17 13.40.265(2)(b) from a diversion unit that a juvenile has completed a  
18 diversion agreement for which the juvenile's driving privileges were  
19 revoked, the department shall reinstate any driving privileges revoked  
20 under this section as provided in (b) of this subsection, subject to  
21 subsection (2)(c) of this section.

22 (b) If the diversion agreement was for the juvenile's first  
23 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department  
24 shall not reinstate the juvenile's privilege to drive until the later  
25 of ninety days after the date the juvenile turns sixteen or ninety days  
26 after the juvenile entered into a diversion agreement for the offense.  
27 If the diversion agreement was for the juvenile's second or subsequent  
28 violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department  
29 shall not reinstate the juvenile's privilege to drive until the later  
30 of the date the juvenile turns seventeen or one year after the juvenile  
31 entered into the second or subsequent diversion agreement.

32 **Sec. 3.** RCW 46.20.285 and 2005 c 288 s 4 are each amended to read  
33 as follows:

34 The department shall revoke the license of any driver for the  
35 period of one calendar year unless otherwise provided in this section,  
36 upon receiving a record of the driver's conviction of any of the  
37 following offenses, when the conviction has become final:

- 1 (1) For vehicular homicide the period of revocation shall be two  
2 years. The revocation period shall be tolled during any period of  
3 total confinement for the offense;
- 4 (2) Vehicular assault. The revocation period shall be tolled  
5 during any period of total confinement for the offense;
- 6 (3) Driving a motor vehicle while under the influence of  
7 intoxicating liquor or a narcotic drug, or under the influence of any  
8 other drug to a degree which renders the driver incapable of safely  
9 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;
- 10 (4) Any felony in the commission of which a motor vehicle is used;
- 11 (5) Failure to stop and give information or render aid as required  
12 under the laws of this state in the event of a motor vehicle accident  
13 resulting in the death or personal injury of another or resulting in  
14 damage to a vehicle that is driven or attended by another;
- 15 (6) Perjury or the making of a false affidavit or statement under  
16 oath to the department under Title 46 RCW or under any other law  
17 relating to the ownership or operation of motor vehicles;
- 18 (7) Reckless driving upon a showing by the department's records  
19 that the conviction is the third such conviction for the driver within  
20 a period of two years.
- 21 (8) Malicious mischief in the third degree in violation of RCW  
22 9A.48.090(1)(b).

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